

Zeckendorf Vs. Johnson

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Court : US Supreme Court

Decided On : Dec-12-1887

Appeal No. : 123 U.S. 617

Appellant : Zeckendorf

Respondent : Johnson

Judgement :

Zeckendorf v. Johnson - 123 U.S. 617 (1887)

U.S. Supreme Court Zeckendorf v. Johnson, 123 U.S. 617 (1887)

Zeckendorf v. Johnson

Submitted November 21, 1887

Decided December 12, 1887

123 U.S. 617

APPEAL FROM THE SUPREME COURT

OF THE TERRITORY OF ARIZONA

SYLLABUS

The value of the matter in dispute is to be determined by the amount due at the time of the judgment of the court below, which is brought here for review, including interest up to the time of the judgment of the appellate court, if the appeal is from an appellate court, and the judgment which is taken to the appellate court bears interest.

Findings of fact in the court below are conclusive, and cannot be reexamined here.

This was a motion to dismiss, with which was united a motion to affirm. The case is stated in the opinion of the court.

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MR. CHIEF JUSTICE WAITE delivered the opinion of the Court.

A judgment was rendered September 28, 1885, by the District Court of Arizona in and for the County of Pima, against L. Zeckendorf & Co., the appellants, and in favor of Johnson, the appellee, for \$4,304.93,

"with interest on \$2,800 of said sum at the rate of two percent per month from the date hereof until paid, and interest on \$1,504.33 at the rate of ten percent per annum from the date hereof until paid."

This judgment was affirmed by the supreme court of the territory on appeal, November 8, 1886. From that judgment of affirmance this appeal was taken, which the appellee moves to dismiss on the ground that the value of the matter in dispute does not exceed \$5,000, as now required by law. Act March 3, 1885, c. 355, 23 Stat. 443.

The value of the matter in dispute is to be determined by the amount due at the time of the judgment brought here for review, to-wit, the judgment of the supreme court of the territory, and not at the time of the judgment of the district court. Adding the interest to the judgment of the district court until the date of that of the supreme court, as we must for the purpose of determining our jurisdiction, [*The Patapsco*](#), 12 Wall. 451; *N.Y. Elevated Railroad v. Fifth National Bank*, [118 U. S.](#)

[608](#) , we find that the amount due at the time of the judgment of the supreme court was considerably more than \$5,000. The motion to dismiss is therefore denied.

But on looking into the record, we discover that the errors assigned relate only to the sufficiency of the evidence to support the findings. These we cannot consider. The findings of fact by the court below are conclusive, and cannot be reexamined here. *The Abbotsford*, [98 U. S. 440](#) , and cases there cited. Upon the facts as found, there can be no doubt of the correctness of the judgment. It is apparent if the case is kept here longer it will be for delay only. For that reason the motion to affirm is granted.

Affirmed.